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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION THREE

THE PEOPLE,

Plaintiff and Respondent,

v.

BAYRON GALEANO,

Defendant and Appellant.

B267563

(Los Angeles County  
Super. Ct. No. BA435586)

APPEAL from a judgment of the Superior Court of Los Angeles County,  
Craig E. Veals, Judge. Affirmed.

Christopher Love, under appointment by the Court of Appeal, for Defendant  
and Appellant.

No appearance for Plaintiff and Respondent.

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A jury convicted defendant and appellant Bayron Galeano of stalking his estranged wife, Silvia. He appeals. We affirm the judgment.

## **FACTUAL AND PROCEDURAL BACKGROUND**

### **I. Factual background.**

Galeano and Silvia were married for 29 years and had two children, now adults. During their marriage, Galeano was verbally and physically abusive, especially when he was intoxicated. In 2005, for example, he threatened Silvia with a gun and hit her. He threatened to shoot her in 2012. Around that time, in October 2012, they stopped living together, and Silvia obtained a restraining order against Galeano. Despite the restraining order, Galeano drove by Silvia's workplace in August 2013 with what looked like a gun and threatened to "kill [her] with this."

On March 9, 2015, Silvia was driving when she noticed Galeano following her. He got in front of and behind Silvia, who maneuvered her car to avoid getting struck. Galeano gestured to Silvia to stop. Instead, she called 911.

Weeks later, on March 28, 2015, Silvia went to a grocery store. As she was walking to the store, a truck driven by Galeano "c[a]me at" her, but someone pulled her to safety. Galeano opened Silvia's unlocked car, but Silvia pushed her car alarm button and he left, shouting that she was going "to pay for this" and "wait and see what happens." Silvia thought he was "going to get even, that he was going to kill me, that he was going to do something." Silvia was afraid Galeano would do something to her.

### **II. Procedural background.**

On May 15, 2015, an information was filed alleging against Galeano count 1, stalking following a court order (Pen. Code, § 646.9, subd. (b))<sup>1</sup> and count 2, criminal threats (§ 422, subd. (a)). The information also alleged that defendant had a prior serious or violent felony conviction (§§ 667, subds. (a)(1) & (b)-(j), 1170.12, subd. (b)) and a prior prison sentence (§ 667.5, subd. (b)).

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<sup>1</sup> All further undesignated statutory references are to the Penal Code.

On July 27, 2015, a jury found Galeano guilty of count 1, stalking following a court order, but not guilty of count 2, criminal threats. Galeano waived a jury trial on his priors, and, after a court trial, the court found that he had been previously convicted of violating section 422, subdivision (a).

On October 2, 2015, after denying Galeano's *Romero*<sup>2</sup> motion, the trial court sentenced him to the high term of four years, doubled to eight years based on the prior strike. The court imposed a one-year term, under section 667.5, subdivision (b). Galeano received 320 days of credit. He was ordered to pay a \$300 victim restitution fine (§ 1202.4), a \$300 parole revocation assessment (§ 1202.45), a \$40 court operations fee (§ 1465.8), and a \$30 court facility assessment (Gov. Code, § 70373, subd. (a)).

### DISCUSSION

After review of the record, appellant's court-appointed counsel filed an opening brief which raised no issues and which asked this court to conduct an independent review of the record, under *People v. Wende* (1979) 25 Cal.3d 436, 441. By letter dated April 19, 2016, we advised appellant that he had 30 days to submit by brief or letter any contentions or argument he wished this court to consider. Galeano submitted a letter, filed on May 26, 2016.

In his letter, Galeano appears to argue there is insufficient evidence to support the judgment. Silvia's testimony, however, constituted substantial evidence that Galeano stalked her. Testimony of a single witness, unless physically impossible or inherently improbable, is sufficient to establish a fact and support a conviction. (*People v. Young* (2005) 34 Cal.4th 1149, 1181.)

To the extent Galeano intends to assert additional claims including ones based on ineffective assistance of counsel, they are devoid of legal or evidentiary support, or are based on matters outside the record and can be raised, if at all, in a petition for writ of habeas corpus. (*People v. Mendoza Tello* (1997) 15 Cal.4th 264, 266-267; *People v. Williams* (2013) 56 Cal.4th 630, 690-691.)

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<sup>2</sup> *People v. Superior Court (Romero)* (1996) 13 Cal.4th 497.

We have examined the record and are satisfied appellant's attorney has fully complied with the responsibilities of counsel and no arguable issue exists. (*People v. Kelly* (2006) 40 Cal.4th 106, 126; *People v. Wende, supra*, 25 Cal.3d at p. 441.)

**DISPOSITION**

The judgment is affirmed.

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ALDRICH, J.

We concur:

EDMON, P. J.

LAVIN, J.